HON'BLE SRI JUSTICE P.S. NARAYANA

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W.P.No.15939 of 2006

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Dated 31st JULY 2006

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Between:
Gunturu Veera Raghavulu s/O Swameru, 50 years
R/O Bandikolla Lanka
Kokkilagadda Gram Panchayat
Mopidevi Mandal, Krishna District

… Petitioner

And:
The State Election Commission,
Hyderabad and 3 others

… Respondents

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W.P.No.15939 of 2006

ORDER:

Heard the counsel.

2. This writ petition is filed to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in not withdrawing candidature of the 4th respondent from contesting in the election for the post of Sarpanch in respect of Kokkilagadda Gram Panchayat, Mopidevi Mandal, Krishna District even in spite of submission of the letter for withdrawal of nomination as arbitrary illegal and consequently direct the respondents 1 to 3 to declare that the petitioner has been unanimously elected candidate for the post of Sarpanch in respect of Kokkilagadda Gram Panchayat, Mopidevi Mandal, Krishna District by withdrawing the candidature of the 4th respondent from contesting the elections and pass such other suitable orders.

3. Sri P. Nagendra Reddy, learned counsel representing the petitioner states that though the 4th respondent had withdrawn his nomination and though it would amount to the withdrawal of candidature, despite the same, his nomination was accepted. Learned counsel also would submit that despite the objection raised, the same was not considered. Hence the proceedings are vitiated and further

proceedings are to be stayed.

4. It is no doubt true that it appears to be contravention of Rules. However, inasmuch as the petitioner is having a remedy by way of appeal to the Election Tribunal, this Court is not inclined to interfere with the same at this stage.

5. Liberty is given to the petitioner to approach the Election Tribunal, if he is so advised. With the above direction, the writ petition is disposed of. No order as to costs.

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P.S. NARAYANA, J

Dated: 31st JULY 2006

BSS/MDAA